

08 MJ 05 27

Magistrate Case No.

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SOUTHERN DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA


COMPLAINT FOR VIOLATION OF DEPUTY


Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)

Transportation of Illegal

Defendant(s)

On or about **February 20, 2008** within the Southern District of California, defendant **Ivan Alberto CARDENAS-Raya** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Natalie ORTEGA-Cruz, Jose Luis RUVALCABA-Juarez, and Irene PACHECO-MANZANARES** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent


William McCurine Jr.
UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Natalie ORTEGA-Cruz, Jose Luis RUVALCABA-Juarez, and Irene PACHECO-Manzanares** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

At approximately 5:40 p.m., Agent J. Diaz was en-route to his assigned area of operation when he observed a gray Ford Taurus. The Ford Taurus was traveling northbound on Buckman Springs Road. This area is approximately three miles north and 15 miles east of the Tecate, California Port of Entry.

Agent Diaz began to follow the Ford Taurus and observed that it appeared to be very heavy in the rear and would often bounce up and down as it traveled on the smooth pavement. Agent Diaz also observed a person ducking down in the back seat. Diaz relayed, via Agency radio, the information regarding the vehicle. The gray Ford Taurus continued to travel north on Buckman Springs Road until merging onto the eastbound on-ramp to Interstate 8. Agent Diaz continued to follow the Ford Taurus eastbound until it exited the interstate at the Crestwood Road exit and merged east onto Highway Old 80.

Agent Napoli, who was in the area operating a marked Agency vehicle was able to catch up to the vehicle and attempted to perform a vehicle stop utilizing his emergency equipment near the intersection of Highway Old 80 and Church Road. The driver of the Ford Taurus accelerated the speed of his vehicle and subsequently failed to negotiate a right hand turn, crashing into a guard rail. The driver quickly exited the vehicle and ran, leaving the occupants in the vehicle. The vehicle was left in drive and the vehicle's airbags deployed. Agent Napoli approached the vehicle and discovered eight individuals, including three inside the trunk.

Agent Napoli identified himself as a United States Border Patrol Agent and made sure that there was no life threatening injuries. Agent Napoli also questioned each subject individually in relation to their citizenship and nationality. All eight individuals stated that they were citizens and nationals of Mexico, illegally present in the United States, without any documents that would allow them to enter or remain in the United States. All eight subjects were placed under arrest. All the subjects were transported to the El Cajon Border Patrol Station for further interviews and processing. One subject, Natalie ORTEGA-Cruz, complained of injuries caused by the crash. She was taken to Grossmont hospital for evaluation.


After searching for several hours Agent Palacios encountered a subject matching the description of the driver of the Ford Taurus who absconded earlier. Agent Palacios identified himself as a United States Border Patrol Agent and questioned the subject regarding his immigration status. The subject, later identified as the defendant **Ivan Alberto CARDENAS-Raya**, stated he was a citizen and national of Mexico illegally present in the United States without any documentation that would allow him to be or remain in the United States legally. The defendant freely stated to Agent Palacios that he was the driver of the Ford Taurus and further stated he fled because he was afraid of being apprehended. The defendant was placed under arrest and transported to the El Cajon Border Patrol Station.

Ivan Alberto CARDENAS-Raya


MATERIAL WITNESS STATEMENTS:

Natalie ORTEGA-Cruz, Jose Luis RUVALCABA-Juarez, and Irene PACHECO-Manzanares admitted to being citizens and nationals of Mexico without any documents that would allow them to be or remain in the United States legally. All three stated they entered the United States near Tecate, California by jumping the United States Mexico/International Boundary Fence with the help of a foot guide. ORTEGA-Cruz was to pay approximately \$3500.00 and PACHECO-Manzanares was to pay approximately \$1500.00 to be smuggled to Los Angeles, California.

All three were presented with photographic lineups. All three identified the defendant Ivan Alberto CARDENAS-Raya as the driver.



James Trombley
Senior Patrol Agent



William McCurine Jr.
U.S. Magistrate Judge

2/22/08, 1023 hrs
Date/Time